

To: LEVIN, NANCY[Levin.Nancy@epa.gov]; Chan, Janice[Chan.Janice@epa.gov]
Cc: Chen, Eugene[Chen.Eugene@epa.gov]; Chew, Andrew[Chew.Andrew@epa.gov]; Alkon, Margaret[Alkon.Margaret@epa.gov]
Sent: Mon 11/7/2016 10:57:12 PM
Subject: RE: ADEQ "Area A" definition or applicability

Ok – current SIP contains

R18-2-610 “Definitions for R18-2-611”

R18-2-611 “Agricultural PM10 General Permit – Maricopa PM10 NAA”

ARS 49-451(1) “Definitions” – including definition of “Area A”

Submitted Rules:

R18-2-610 Definitions for 610.01, .02, .03 (Crop Operations General Permits)

R-18-2-610.03 “Agricultural General Permit for Crop Operations, Pinal County PM NAA”

R-18-2-611 Definitions for 611.01, .02, .03 (Animal Operations General Permits)

R-18-2-611.03, “Agricultural PM General Permit for Animal Operations; Pinal County PM NAA”

ARS 49-457, Ag BMP Rule

NonSubmitted Rules

R-18-2-610.01, Agricultural PM10 GP for Crop Operations, Maricopa County PM NAA

R-18-2-610.02, Agricultural PM10 GP for Crop Operations, Moderate PM NAA Designated After June 1, 2009

R-18-2-611.01, Agricultural General Permit for Animal Operations, Maricopa County PM NAA

R-18-2-611.02, Agricultural General Permit for Animal Operations, Moderate PM NAA Designated After June 1, 2009

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Kara Christenson

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christenson.kara@epa.gov

From: LEVIN, NANCY

Sent: Friday, November 04, 2016 6:39 PM

To: Christenson, Kara <Christenson.Kara@epa.gov>; Chan, Janice <Chan.Janice@epa.gov>

Cc: Chen, Eugene <Chen.Eugene@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Alkon, Margaret <Alkon.Margaret@epa.gov>

Subject: RE: ADEQ "Area A" definition or applicability

ADEQ submitted rule R18-2-610 – Definitions for R18-610.01, R18-2-610.02, and R18-2-610.03” for approval.

But they did not submit the new “R18-2-610.01” – the AgBMP rule that applies to Maricopa.

The submitted definitions rule would not apply to the older Maricopa AgBMP rule “18-2-611.” Why? Because the submitted rule only applies to 610.01, 610.02, and 610.03.

Until next week...

Nancy Levin | 415-972-3848 | Rules and Planning

Air Division | Region IX| U.S. Environmental Protection Agency

From: Christenson, Kara

Sent: Friday, November 04, 2016 6:25 PM

To: LEVIN, NANCY <Levin.Nancy@epa.gov>; Chan, Janice <Chan.Janice@epa.gov>

Cc: Chen, Eugene <Chen.Eugene@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Alkon, Margaret <Alkon.Margaret@epa.gov>

Subject: RE: ADEQ "Area A" definition or applicability

Ex. 5 & 7

Ex. 5 & 7

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From: LEVIN, NANCY

Sent: Friday, November 04, 2016 6:11 PM

To: Chan, Janice <Chan.Janice@epa.gov>

Cc: Chen, Eugene <Chen.Eugene@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Alkon, Margaret <Alkon.Margaret@epa.gov>; Christenson, Kara <Christenson.Kara@epa.gov>

Subject: RE: ADEQ "Area A" definition or applicability

“Area A” is defined in ARS-541(1), which we approved it into the SIP on 5/22/2013, 68 FR 2912. It’s boundaries overlap and extend beyond the PM-10 nonattainment area. I asked ADEQ for a map and will pass it on when I get it.

FYI – there is no mention of “Area A” in the SIP-approved (adopted 1998, published 10/11/2001; 66 FR 51873) versions of Maricopa Ag BMP rules R18-2-610 and R18-2-611.

Since 2001, ADEQ adopted new rules for Maricopa AgBMPs, but these rules are not in the SIP, hence, not federally-enforceable.

A notable difference between the SIP-approved Maricopa AgBMP rule (approved 2001) and the latest ADEQ (but not in SIP) Rule 610 Definitions Rule:

SIP-approved AgBMP 610 definition for Maricopa PM10 naa -- “Commercial farm” means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Maricopa PM nonattainment area.”

Current State AgBMP 610 definition for Maricopa PM10 naa (not in SIP) -- “Commercial farm” means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A...”

Looping Kara in, as we're working with her on the rules/planning side of this complicated equation....

Nancy Levin | 415-972-3848 | Rules and Planning

Air Division | Region IX| U.S. Environmental Protection Agency

From: Chan, Janice

Sent: Friday, November 04, 2016 4:48 PM

To: LEVIN, NANCY <Levin.Nancy@epa.gov>

Cc: Chen, Eugene <Chen.Eugene@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>;

Alkon, Margaret <Alkon.Margaret@epa.gov>

Subject: ADEQ "Area A" definition or applicability

Hi Nancy,

I have been informed by Hickman that the reason why their Arlington facility is covered under the Arizona Ag BMP is because ADEQ considers that they are engaged in a regulated agricultural activity in "Area A". I understand that the regulated agricultural activity now includes animal, not just crops.

I tried to look up what Area A means, but I can't find it. Do you know what that means?

Janice

Janice Chan

Environmental Protection Specialist

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